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EXAMINER

VO, TRUONG V

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2169

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ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/662,964	Applicant(s) SARASSETTI, VIJAY V.	
	Examiner TRUONG V. VO	Art Unit 2169	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to communications filed March 12, 2008.

Response to Arguments

2. Applicant's arguments filed March 12, 2008 have been fully considered but they are not persuasive. Applicant argued:

- a) Claim 1 the combination of Boone and Mankoff fails to teach or suggest "a record stored at a record collection site."

- b) The motivation to combine the applications.

Examiner respectfully disagrees with applicant's assertions.

3. With regards to a) Examiner disagreed with the Applicant that Mankoff fails to teach or suggest "...a record stored at a record collection site" (i.e., as shown in FIG. 1 and in greater detail in FIG. 2, the database server 28 would preferably store and retrieve data elements to and from its associated database 29, including the user databases 23 which are provided within the overall database 29; [0040]). The data elements are the record being store. The database 29 or 23 is a record collection site.

4. With regards to b) Examiner disagreed with the Applicant about the motivation to combine the applications.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be

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established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, one of ordinary skill in the art would know that if the Client Machine stores the records the performance would increase. For example, the Client Machine can retrieve the record from a local database without accessing the internet which increases the performance. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made, having the teachings of Boone and Mankoff before him/her, to modify the method of Boone with the teaching of Mankoff to have the client machine store the record. The motivation to combine is apparent in Boone reference, because it provides performance advantages for browsing and searching operations (see Boone, [0066]). This is a tremendously advantageous to Boone because it organizes and integrates the computer record (see Mankoff, [0006]).

Overall, Examiner would like to point out that the Applicant's claims are very broad. For example, claim 1 disclose "assigning a unique identifier to a record stored at a record collection site; entering the unique identifier in a hierarchical tree structure; and sending the hierarchical tree structure to a central storage site." The claim does not explained how the identifier is being stored or how the identifier is being entered in a tree structure and how the tree structure is

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being send to the central storage site. For example, one of ordinary skill in the art interpretation of the claim to be a record that have a identifier and is storing at a collection site and is being send to a central storage site. This is nothing more than transmission of data.

Status of Claims

5. Claims 1 to 36 are pending, of which claims 1, 9, 17, 21 and 24 are in independent form. Claims 9-16 and 30-32 is rejected under 35 U.S.C. 112 first paragraph. Claims 9-16, 30-32, 24-26 and 36-38 are rejected under 35 U.S.C. 101. Claims 1-38 are rejected under 35 U.S.C. 103(a).

Claim Rejections - 35 USC § 112

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claims 9-16 and 30-32 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. For example, the applicants amended the specification by canceling "...a

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propagated signal..." for an information carrier. This is a new matter since the original scope of "...the information carrier..." has been changed.

Claim Rejections - 35 USC § 101

8. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

9. Claims 9-16 and 30-32 are rejected under 35 U.S.C. 101 because the claimed invention is not statutory for the following reasons:

Computer program product, tangibly embodied in an information carrier...
(i.e., transmission etc.):

The claims fail to place the invention squarely within one statutory class of invention. The Applicant has amended the specification to not include "signals". However, the instant claims still directed toward transmission media therefore, applicant has provided evidence that applicant intends the "medium" to include signals. As such, the claim is drawn to a form of energy. Energy is not one of the four categories of invention and therefor this claim(s) is/are non statutory. Energy is not a series of steps or acts and thus is not a process. Energy is not a physical article or object and as such is not a machine or manufacture. Energy is not a combination of substances and therefor not a composition of matter.

10. Claim 24-26 and 36-38 are rejected under 35 U.S.C. 101 because the claimed invention is not statutory for the following reasons:

The claims lack the necessary physical articles or objects to constitute a machine or manufacture within the meaning of 35 U.S.C. 101.

For example, claim 24 disclose "A system..." does not inherently mean that the claim is directed to a machine. Only if at least one of the claimed elements of the system is a physical part of a device can the system as claimed constitute part of a device or combination of devices to be a machine within the meaning of 101.

They are clearly not a series of steps or acts to be a process nor are they a combination of chemical compounds to be a composition of matter. As such, they fail to fall within a statutory category. They are, at best, functional descriptive material per se.

Descriptive material can be characterized as either "functional descriptive material" or "nonfunctional descriptive material." Both types of "descriptive material" are nonstatutory when claimed as descriptive material per se, 33 F.3d at 1360, 31 USPQ2d at 1759. When functional descriptive material is recorded on some computer-readable medium, it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized. Compare in re Lowry, 32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994)

Merely claiming nonfunctional descriptive material, i.e., abstract ideas, stored on a computer-readable medium, in a computer, or on an electromagnetic carrier signal, does not make it statutory. See Diehr, 450 U.S. at 185-86, 209

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USPQ at 8 (noting that the claims for an algorithm in Benson were unpatentable as abstract ideas because “[t]he sole practical application of the algorithm was in connection with the programming of a general purpose computer.”).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 1-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boone et al. (US 2002/0046131 A1) in view of Mankoff (US 2002/0120627 A1).

13. **Regarding claim 1**, Boone teaches a method for representing records (Items Table 62) (i.e., clearly shown in FIG. 3C a table that representing a record; [0060]).

Boone teaches assigning a unique identifier (site_id) to a record (Items Table) (i.e., one of the fields in the table is a site_id field, which stores a unique numeric identifier that is assigned to each of multiple regional or community sites; see FIG. 3c and [0060]).

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Boone teaches entering the unique identifier in a hierarchical tree structure (i.e., a unique id is enter in a tree data structure (e.g., a tree hierarchy); see FIG. 3C and [0060]).

Boone teaches sending the hierarchical tree structure to a central storage site (i.e., sending the tree data structure (e.g., a tree hierarchy) to database 22 (e.g., central storage); see FIG. 1, FIG. 2 and [0048]).

However, Boone does not explicitly disclose a record to store at the record collection site.

Meanwhile, Mankoff teaches the attribute file information, a network-connected computer can categorize and store virtual documents in a database corresponding to a particular user of the system (see abstract). This is similar to Boone teaching because of that executes on a client machine 32 (e.g., a personal computer, PDA, cell phone or the like) and accesses the facility 10 via a network 34 such as, for example, the Internet [0047]. Furthermore, Mankoff teaches a record to store at the record collection site (i.e.,

It would have been obvious to one of ordinary skill in the art at the time of the invention was made, having the teachings of Boone and Mankoff before him/her, to modify the method of Boone with the teaching of Mankoff to have the client machine store the record. The motivation to combine is apparent in Boone reference, because it provides performance advantages for browsing and searching operations (see Boone, [0066]). This is a tremendously advantageous to Boone because it organizes and integrates the computer record (see Mankoff, [0006]).

14. **Regarding claim 2**, Boone teaches using the unique identifier (site_id) to produce an aggregate report (150) (i.e., using the site_id to produce site categories cache 150 which is a report of all sites; see FIG. 4 [0061]).

Boone teaches sending the aggregate report (150) to the central storage site (i.e., sending the site categories cache 150 to database 23; see FIG. 4 and [0061]).

However, Boone does not explicitly disclose a record to store at the record collection site.

Mankoff teaches a record to store at the record collection site (i.e., assign a unique number to each warranty or product instruction document and then as with the unique coupon or promotional ID 43 (see FIG. 4), it would only be necessary to transmit that information to the host 20 to identify the full VRCD. Alternatively, all relevant details for identifying the product warranty or information sheet could be transmitted to the host 20 from the partner web site. One detail that would preferably be included would be a web site where the actual text of the document is stored; alternatively, the actual text of the document could be stored in the user database 23; [0067]).

The limitations of claim 2 are rejected in the analysis of claim 1 above, and the claim is rejected on that basis.

15. **Regarding claim 3**, Boone teaches using the unique identifier (site_id) at the central storage site (22) to access the record stored (i.e., the user using a

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unique identifier at the database 22 and access the record stored; see FIG. 1 and [0047]) .

16. **Regarding claim 4**, Boone teaches the unique identifier (site_id) includes information representing a node located in the hierarchical tree structure (i.e., site_id includes name, description, currency etc. representing an item table located in the tree hierarchy; see FIG. 3C and [0060]).

17. **Regarding claim 5**, Boone teaches the node (item table) is located in a higher position of the hierarchical tree structure than the unique identifier (site_id) (i.e., as clearly shown in FIG. 3C the item table is located in a higher position of the tree hierarchy than the site_id; FIG. 3C).

18. **Regarding claim 6**, Boone teaches using the unique identifier (site_id) to produce the aggregate report (150) includes counting the unique identifier (site_id) with a second unique identifier (site_id) assigned to a second record stored (site 2) (i.e., see FIG. 4).

However, Boone does not explicitly disclose a record to store at the record collection site.

Mankoff teaches a record to store at the record collection site (i.e., assign a unique number to each warranty or product instruction document and then as with the unique coupon or promotional ID 43 (see FIG. 4), it would only be necessary to transmit that information to the host 20 to identify the full VRCD.

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Alternatively, all relevant details for identifying the product warranty or information sheet could be transmitted to the host 20 from the partner web site.

One detail that would preferably be included would be a web site where the actual text of the document is stored; alternatively, the actual text of the document could be stored in the user database 23; [0067]).

The limitations of claim 6 are rejected in the analysis of claim 2 above, and the claim is rejected on that basis.

19. **Regarding claim 7**, Boone teaches the unique identifier (site_id) to produce an aggregate report (150) includes summing data included in the record accessed by the unique identifier (site_id) with data included in a second record accessed by a second unique identifier (site 2) (i.e., depending on the frequency with which records are added to the items table 42; see FIG. 4, [0064].

20. **Regarding claim 8**, Boone teaches a unique key that includes information representing a second node in the hierarchical tree structure is assigned to the node (i.e., Category_id field stores a numeric identifier for a category that keys the relevant record to a category record within the master categories table 60. Name and description fields store a regional or community name of the category and description of the category. Parent_id and parent_name fields are used in placing a particular category in a tree data structure (e.g., a tree hierarchy) when displayed to the user of the auction facility 10; [0060]).

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21. **Regarding claim 9**, is essentially the same as claim 1 except that it sets forth the claimed invention as a computer program product rather than a method and rejected for the same reasons as applied hereinabove.

22. **Regarding claim 10**, is essentially the same as claim 2 except that it sets forth the claimed invention as a computer program product rather than a method and rejected for the same reasons as applied hereinabove.

23. **Regarding claim 11**, is essentially the same as claim 3 except that it sets forth the claimed invention as a computer program product rather than a method and rejected for the same reasons as applied hereinabove.

24. **Regarding claim 12**, is essentially the same as claim 4 except that it sets forth the claimed invention as a computer program product rather than a method and rejected for the same reasons as applied hereinabove.

25. **Regarding claim 13**, is essentially the same as claim 5 except that it sets forth the claimed invention as a computer program product rather than a method and rejected for the same reasons as applied hereinabove.

26. **Regarding claim 14**, is essentially the same as claim 6 except that it sets forth the claimed invention as a computer program product rather than a method and rejected for the same reasons as applied hereinabove.

27. **Regarding claim 15**, is essentially the same as claim 7 except that it sets forth the claimed invention as a computer program product rather than a method and rejected for the same reasons as applied hereinabove.

28. **Regarding claim 16**, is essentially the same as claim 8 except that it sets forth the claimed invention as a computer program product rather than a method and rejected for the same reasons as applied hereinabove.

29. **Regarding claim 17**, is essentially the same as claim 1 except that it sets forth the claimed invention as a receiving method rather than a sending method and rejected for the same reasons as applied hereinabove.

30. **Regarding claim 18**, is essentially the same as claim 3 except that it sets forth the claimed invention as a receiving method rather than a sending method and rejected for the same reasons as applied hereinabove.

31. **Regarding claim 19**, is essentially the same as claims 2 and 3 except that it sets forth the claimed invention as a receiving method rather than a sending method and rejected for the same reasons as applied hereinabove.

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32. **Regarding claim 20**, is essentially the same as claim 4 except that it sets forth the claimed invention as a receiving method rather than a sending method and rejected for the same reasons as applied hereinabove.

33. **Regarding claim 21**, is essentially the same as claim 1 except that it sets forth the claimed invention as a using method rather than a sending method and rejected for the same reasons as applied hereinabove.

34. **Regarding claim 22**, is essentially the same as claim 2 except that it sets forth the claimed invention as a using method rather than a sending method and rejected for the same reasons as applied hereinabove.

35. **Regarding claim 23**, is essentially the same as claim 4 except that it sets forth the claimed invention as a using method rather than a sending method and rejected for the same reasons as applied hereinabove.

36. **Regarding claim 24**, is essentially the same as claim 1 except that it sets forth the claimed invention as a system rather than a method and rejected for the same reasons as applied hereinabove.

37. **Regarding claim 25**, is essentially the same as claim 2 except that it sets forth the claimed invention as a system rather than a method and rejected for the same reasons as applied hereinabove.

38. **Regarding claim 26**, is essentially the same as claim 3 except that it sets forth the claimed invention as a system rather than a method and rejected for the same reasons as applied hereinabove.

39. (New) **Regarding claim 27**, Boone teaches assigning a unique identifier to a record stored (i.e., one of the fields in the table is a site_id field, which stores a unique numeric identifier that is assigned to each of multiple regional or community sites; [0060]).

Boone teaches producing a unique identifier for the record to allow the record to be identified (i.e., see FIG. 3).

Boone assigning a unique identifier to the record so that the record is distinguishable from other records and entering the unique identifier assigned to the record into a tree structure (i.e., name and description fields store a regional or community name of the category and description of the category. Parent_id and parent_name fields are used in placing a particular category in a tree data structure (e.g., a tree hierarchy) when displayed to the user of the auction facility 10; [0060]).

However, Boone does not explicitly disclose the record to store at the record collection site.

Meanwhile, Mankoff teaches the record to stored at the record collection site (i.e., assign a unique number to each warranty or product instruction document and then as with the unique coupon or promotional ID 43 (see FIG. 4),

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it would only be necessary to transmit that information to the host 20 to identify the full VRCD. Alternatively, all relevant details for identifying the product warranty or information sheet could be transmitted to the host 20 from the partner web site. One detail that would preferably be included would be a web site where the actual text of the document is stored; alternatively, the actual text of the document could be stored in the user database 23; [0067]).

Therefore, the limitations of claim 27 are rejected in the analysis of claim 1 above, and the claim is rejected on that basis.

40. (New) **Regarding claim 28**, Boone teaches tree structure identifiers are assigned to similar record types and are grouped together thereby improving accessibility for the stored records (i.e., a category tree 160 stores categories in a tree data structure; [0061]).

41. (New) **Regarding claim 29**, Boone teaches the tree structure is produced with a database software package capable of storing data in a balanced tree structure (i.e., a kernel 100 is responsible for, inter alia, (1) determining which site the user entered and for (2) caching site categories in a site categories cache 150, ensuring higher performance by eliminating redundant accesses to the database 23 in which the tables 60 and 62 are stored. A category tree 160 stores categories in a tree data structure; [0061]).

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42. (New) **Regarding claim 30**, is essentially the same as claim 27 except that it sets forth the claimed invention as a computer program product rather than a method and rejected for the same reasons as applied hereinabove.

43. (New) **Regarding claim 31**, is essentially the same as claim 28 except that it sets forth the claimed invention as a computer program product rather than a method and rejected for the same reasons as applied hereinabove.

44. (New) **Regarding claim 32**, is essentially the same as claim 29 except that it sets forth the claimed invention as a computer program product rather than a method and rejected for the same reasons as applied hereinabove.

45. (New) **Regarding claim 33**, is essentially the same as claim 27 and rejected for the same reasons as applied hereinabove.

46. (New) **Regarding claim 34**, is essentially the same as claim 28 and rejected for the same reasons as applied hereinabove.

47. (New) **Regarding claim 35**, is essentially the same as claim 29 and rejected for the same reasons as applied hereinabove.

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48. (New) **Regarding claim 36**, is essentially the same as claim 27 except that it sets forth the claimed invention as a system rather than a method and rejected for the same reasons as applied hereinabove.

49. (New) **Regarding claim 37**, is essentially the same as claim 28 except that it sets forth the claimed invention as a system rather than a method and rejected for the same reasons as applied hereinabove.

50. (New) **Regarding claim 38**, is essentially the same as claim 29 except that it sets forth the claimed invention as a system rather than a method and rejected for the same reasons as applied hereinabove.

Conclusion

51. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will

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the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

52. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Truong V. Vo whose telephone number is (571) 272-1796. The examiner can normally be reached on Mon.-Thr. 7:30a.m.-5p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pierre Vital can be reached on (571) 272-4215. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

April 8, 2008

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Truong Van Vo

/Truong V Vo/
Examiner, Art Unit 2169

/Pierre M. Vital/
Supervisory Patent Examiner, Art Unit 2169